

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4 -----X

5 TINA BRADWAY, Individually and as
6 Administratrix of the Estate of
7 TONY BRADWAY,

8 Plaintiff,

9 -against-

Civil Action No.
CV-09 3177

10 THE TOWN OF SOUTHAMPTON, LINDA A. KABOT,
11 and JOHN DOES 1-10 Consisting of
12 Individuals to be Determined,

13 Defendants.
14 -----X

15 May 27, 2010
16 10:04 a.m.

17 110 Old Riverhead Road
18 Hampton Bays, New York

19 DEPOSITION of THE TOWN OF SOUTHAMPTON,
20 a Defendant herein, by POLICE OFFICER GASPAR
21 MONTALBANO, taken by the Plaintiff, pursuant to
22 Federal Rules of Civil Procedure, and Notice,
23 held at the above-mentioned time and place,
24 before Lori Anne Curtis, a Notary Public of the
25 State of New York.

A P P E A R A N C E S:

RUSKIN, MOSCOU & FALTISCHEK, P.C.
Attorneys for Plaintiff
1425 RXR Plaza
Uniondale, New York 11556
BY: THOMAS TELESKA, ESQ.

DEVITT SPELLMAN BARRETT, LLP
Attorneys for Defendants
50 Route 111
Smithtown, New York 11787
BY: JELTJE DEJONG, ESQ.

FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by
and between the parties hereto, through their
respective counsel, that the certification,
sealing and filing of the within examination
will be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form of
the question, will be reserved to the time of
the trial;

IT IS FURTHER STIPULATED AND AGREED that
the within examination may be signed before any
Notary Public with the same force and effect as
if signed and sworn to before this Court.

1
2 G A S P A R M O N T A L B A N O, the Witness
3 herein, having been first duly sworn by a
4 Notary Public in and of the State of New
5 York, was examined and testified as
6 follows:

7 EXAMINATION BY

8 MR. TELESKA:

9 Q Would you please state your full
10 name for the record.

11 A Gaspar Montalbano.

12 Q What is your current business
13 address?

14 A 110 Old Riverhead Road, Hampton
15 Bays, New York 11946.

16 MR. TELESKA: Officer
17 Montalbano, my name is Tom
18 Telesca. We met before we
19 started. I represent Tina
20 Bradway, who has a lawsuit against
21 the Town of Southampton and
22 members of the Southampton Town
23 Police Department arising out of
24 the arrest and subsequent death of
25 her son, Tony Bradway.

1 PO G. Montalbano

2 We're here today to take
3 your deposition.

4 Q Have you ever been deposed before?

5 A No, I have not.

6 MR. TELESKA: Okay.

7 I would like to go over
8 some ground rules so we're clear
9 how we're going to proceed today.
10 It's essentially a
11 question-and-answer session.
12 There's a court reporter who is to
13 your left who is taking everything
14 down that's said today, and what
15 she's creating, ultimately, will
16 be a written transcript of your
17 testimony and my questions.

18 So it's important that you
19 give verbal responses instead of,
20 in a normal conversation you may
21 nod your head or make some sort of
22 gesture, but you need to give
23 verbal responses so the court
24 reporter can take your answer
25 down.

1 PO G. Montalbano

2 Is that understood?

3 THE WITNESS: Yes, it is.

4 MR. TELESKA: Okay.

5 It's also important that we
6 don't talk over each other. So if
7 you allow me to ask my question in
8 full, and then I'll give you the
9 opportunity to give your answer,
10 of course, a full complete answer.

11 Okay?

12 THE WITNESS: Yes, sir.

13 MR. TELESKA: If there's a
14 term or a question that you don't
15 understand, please feel free to
16 ask me to rephrase the question or
17 define the term.

18 Before we started we had a
19 discussion about different people,
20 and you know, something like that,
21 where it could be misunderstood,
22 where there's a term that may have
23 more than one meaning, I'd ask you
24 to ask me to explain the term.

25 Okay?

1 PO G. Montalbano

2 THE WITNESS: Yes, sir.

3 MR. TELESKA: If you don't
4 know the answer to a question,
5 it's okay to say you don't know.
6 We certainly don't want you to
7 guess. If it's possible, if I ask
8 you a question about how far away
9 was a certain subject, you know,
10 it's okay to give an
11 approximation, but just let us
12 know you are approximating.

13 Okay?

14 THE WITNESS: Uh-hum. Yes,
15 sir.

16 MR. TELESKA: If you answer
17 one of my questions, I'll assume
18 that you understood, that you
19 heard it, obviously, and that you
20 answered it completely to the best
21 of your ability today.

22 Okay?

23 THE WITNESS: Yes.

24 MR. TELESKA: And if at any
25 time you need to take a break,

1 PO G. Montalbano

2 need to use the restroom, make a
3 call, ask me, and we can take a
4 pause.

5 Okay?

6 THE WITNESS: Okay.

7 MR. TELESKA: If your
8 attorney objects to one of my
9 questions, I'd ask that you stop
10 testifying, allow her to place her
11 objection on the record, and if
12 it's necessary for your attorney
13 and me to have some sort of
14 discussion, I ask that you allow
15 us to do that before you continue
16 your testimony.

17 Okay?

18 THE WITNESS: Okay.

19 Q Is there any reason why you are
20 not able to testify truthfully today?

21 A No.

22 Q In preparation for today's
23 deposition, did you review any documents?

24 A I reviewed my memo book page for
25 reference to the times, and yesterday, through

1 PO G. Montalbano

2 the paperwork that the counsel had, referenced
3 times.

4 Q And other than the memo book, was
5 there another specific document that you looked
6 at?

7 A Just, like I said, the CAD
8 printout that showed the times, because I was
9 not too sure on the times.

10 Q What do you mean by "the CAD
11 printout"?

12 A The Computer Aided Dispatch that
13 we're logged into for when we're dispatched to
14 calls and whatnot.

15 Q Okay, so that would be the way the
16 police department, I guess, keeps tabs on where
17 you are at a certain time?

18 A Yes.

19 Q So you have to call that in?

20 A Right, when we arrive at location
21 or car stop.

22 Q So when you arrive at a certain
23 destination, you call and say I'm at 10 Main
24 Street.

25 A Pretty much. We use 10-Codes.

1 PO G. Montalbano

2 Q Okay.

3 And the system knows the time that
4 you call?

5 A Yes.

6 MR. TELESKA: Okay.

7 Can we go off the record
8 for a minute?

9 MS. DEJONG: Sure.

10 (Discussion held off the
11 record.)

12 MR. TELESKA: Back on the
13 record.

14 Can we mark this, please,
15 Plaintiff's Exhibit 23.

16 (Plaintiff's Exhibit 23,
17 Officer Montalbano's memo book
18 page, was marked for
19 identification, as of this date.)

20 Q Officer Montalbano, I'm going to
21 show you what's been marked Plaintiff's
22 Exhibit 23 (handing).

23 This is -- I forgot what you call
24 it --

25 A Memo book.

1 PO G. Montalbano

2 Q -- your memo book page for the
3 date of incident we're here for today?

4 A Yes.

5 MR. TELESKA: And just for
6 the record, Exhibit 23 is a
7 two-page document listing the
8 times of what Officer Montalbano
9 did on June 9, 2008.

10 Q So other than the memo book page,
11 did you review any other documents -- other than
12 the memo book page and the CAD printout?

13 A No, I did not.

14 Q Other than your attorney, did you
15 speak to anybody about your deposition today?

16 A I spoke to my vice president --
17 the PBA vice president, Officer Guinn (phonetic
18 spelling), at about midnight, to discuss --
19 because it was my first one. I didn't know
20 exactly how it played -- you know, what to
21 expect, because this was my first one.

22 Q So what did you speak about?

23 A The format, like how it usually
24 works, like who's there, what exactly transpires
25 when you are there.

1 PO G. Montalbano

2 Q Did you speak about the incident
3 that happened that day?

4 A No, I did not.

5 Q So just to get a sense of the
6 logistics?

7 A Yes, sir.

8 Q Okay.
9 Did you speak at all with Officer
10 Sickles?

11 A No, I did not.

12 Q And what I mean is about today's
13 deposition testimony.

14 A No, I did not.

15 Q How about Officer Cagno, did you
16 speak to him about today's deposition testimony?

17 A No, I did not.

18 Q Did you speak to either Officer
19 Cagno or Sickles about their deposition
20 testimony?

21 A No, I did not.

22 Q How about Officer Frankenbach, did
23 you speak to him about your testimony or the
24 testimony he's already given?

25 A No, I did not.

1 PO G. Montalbano

2 Q How about Officer Kiernan --

3 A No, I did not -- oh, sorry.

4 MS. DEJONG: That's very
5 normal.

6 MR. TELESKA: Yeah, it's
7 okay.

8 Q -- did you speak to him about his
9 deposition testimony or about the deposition
10 testimony you are going to give today?

11 A No, I did not.

12 Q And last is Sergeant James
13 Kiernan, did you speak to him about his prior
14 deposition testimony in this case or about the
15 deposition testimony you are going to give
16 today?

17 A No, I did not.

18 Q Okay.

19 I want to talk a little bit about
20 your educational background. I think it was
21 your file yesterday I reviewed. You graduated
22 from Westhampton Beach High School?

23 A Yes, I did.

24 Q And what year was that?

25 A 1993 was the year of my diploma.

1 PO G. Montalbano

2 Q And after that, did you attend
3 college?

4 A No, I did not. I did attend
5 BOCES, EKG technician, in, I think it was, '96.

6 Q So after you graduated from
7 Westhampton Beach High School, did you start
8 working?

9 A Yes, I did.

10 Q Okay.
11 Where did you first work?

12 A I believe it was Herb Obser, it's
13 a car dealership.

14 Q Where is that located?

15 A In Riverhead.

16 Q How long did you work there?

17 A About a year.

18 Q Okay.

19 And what were you doing at Herb
20 Obser?

21 A I was an auto detailer.

22 Q Okay.

23 And where did you work after Herb
24 Obser?

25 A I jumped around. I went to

1 PO G. Montalbano

2 Garston Motors, which is another dealership in
3 Riverhead, and from there, I went to Riverhead
4 Dodge after that.

5 Q And you were doing the same thing
6 essentially?

7 A Yeah, auto detailing.

8 Q Okay.

9 At some point did you stop doing
10 auto detailing as employment?

11 A Yes, I did.

12 Q Approximately what year was that?

13 A '98.

14 Q What did you do at that point?

15 A I went into the marina business,
16 working around boats.

17 Q Where did you work?

18 A South Shore Boats, Village Marina
19 of Westhampton Beach -- it's Village Marina of
20 Westhampton d/b/a South Shore Boats.

21 Q What were you doing there?

22 A I was yard manager.

23 Q And how long did you work there?

24 A Until I became employed here at
25 Southampton Town.

1 PO G. Montalbano

2 Q And what year was that?

3 A I graduated the academy in 2007,
4 did a year part time, and was picked up
5 October 2007 as full time, as PO.

6 Q Okay.

7 So October 2007 is when you became
8 full time?

9 A Yes, sir.

10 Q Okay.

11 And so you entered the academy in
12 2006?

13 A Yes, October of 2006.

14 Q Now, when you entered the academy,
15 was that full time --

16 A It was a part-time academy.

17 Q So you were still working at South
18 Shore Boats during the time you attended the
19 police academy?

20 A Yes, I did.

21 Q And you attended which police
22 academy?

23 A Suffolk County Police Academy.

24 Q Where is that?

25 A Brentwood.

1 PO G. Montalbano

2 Q When did you graduate from the
3 police academy?

4 A In April of '07.

5 Q And at that point you were hired
6 as an officer in the Town of Southampton?

7 A Yes, sir.

8 Q And you did that for approximately
9 six months?

10 A Yes, sir.

11 Q Have you had the same position in
12 the Town of Southampton Police Department since
13 October 2007?

14 A Yes.

15 Q How would you describe your role
16 in that position?

17 A It's patrol, patrolman.

18 Q What do you do generally on a
19 day-to-day basis?

20 A Answering 911 calls, traffic
21 enforcement, and -- pretty much, that's it.
22 Answer 911 calls, traffic enforcement, SLA
23 checks.

24 Q What's "SLA checks"?

25 A SLA, I don't know the exact

1 PO G. Montalbano
2 acronym for it, but it's for the alcohol...

3 MS. DEJONG: State Liquor
4 Authority.

5 MR. TELESKA: Thank you.

6 Q Have you ever been suspended since
7 your employment?

8 A No, I have not.

9 Q Have you ever been the subject of
10 any disciplinary action?

11 A No, I have not.

12 Q During your training at the police
13 academy, did you take any specialized courses in
14 addition to the basic training that every other
15 cadet has?

16 A No, I did not.

17 THE WITNESS: Can I ask one
18 question to counsel real quick?

19 MR. TELESKA: Sure.

20 (Whereupon, client and
21 counsel confer.)

22 THE WITNESS: With
23 reference to my work history, in
24 between when I left Riverhead
25 Dodge and I worked for South Shore

PO G. Montalbano

Boats, I was just a yard person, I worked there for a year, left, went to Modern Yachts for three years, and went back in '98 to South Shore Boats as yard manager.

MR. TELESKA: Okay.

Q Before looking at your -- and I forgot what you called it again, your memo book page?

A Yes, sir.

Q -- did you have an independent recollection of the arrest of Tony Bradway?

A No.

Q As you sit here today, do you remember who Tony Bradway was?

A I've never met him.

Q Okay.

So if you look at Plaintiff's Exhibit 23, I guess it's the fifth entry, at 10:10. I assume that's 10:10 a.m.?

A Yes, sir.

Q And that's on June 9, 2008; correct?

A Yes, sir.

1 PO G. Montalbano

2 Q And it says "Respond to 18
3 Greenfield Road" --

4 A That's "reference."

5 Q Oh, "18 Greenfield Reference, 26
6 one female," and what's the remaining part?

7 A What it says, is "Respond to 18
8 Greenfield, reference at [two-six]," which is a
9 transport, so 10-Code, "10-26, one female to
10 headquarters for Street," which means for Street
11 Crimes.

12 Q Okay. All right.

13 At the time you arrived at 18
14 Greenfield Road, do you know whether or not, one
15 way or the other, Tony Bradway was at 18
16 Greenfield Road?

17 A No, I did not.

18 Q Did you ever go -- 18 Greenfield
19 Road, how would you describe the property?

20 A I believe it's a two-story house.
21 From what I recollect, a two-story house,
22 driveway --

23 Q So it was a residence?

24 A Yes.

25 Q It wasn't an office building?

1 PO G. Montalbano

2 A No.

3 Q Did you ever go into the residence
4 on that date?

5 A On this date, for about three
6 seconds, three to five seconds.

7 Q And where did you go?

8 A I was just right in the doorway.

9 Q The front door?

10 A The front door.

11 Q The main entrance?

12 A The main entrance into the
13 residence.

14 Q Did you ever go into any of the
15 rooms?

16 A No, I did not.

17 Q Okay.

18 Do you recall who else was at --
19 let me break that down.

20 Do you recall at the time you
21 arrived at 18 Greenfield Road what other police
22 officers, uniformed or not, were there?

23 A I remember Officer Peters was
24 there, I remember Officer Frankenbach was there,
25 and Vinnie Cagno, Officer Cagno.

1 PO G. Montalbano

2 Q Do you recall seeing Officer
3 Sickles at 18 Greenfield Road?

4 A No, I do not.

5 Q Okay.

6 And did you actually visually see
7 Officer Peters at 18 Greenfield Road?

8 A Yes, I did.

9 Q Okay.

10 And where was Officer Peters?

11 A He was there upon my arrival also
12 to transport somebody.

13 Q Okay.

14 But was he in the house, was he
15 outside the house?

16 A I don't recall.

17 Q How about Officer Frankenbach, do
18 you recall where his physical location was?

19 A Outside the door.

20 Q And how about Officer Cagno?

21 A He was inside the residence.

22 Q Did you see him inside the
23 residence?

24 A Yes, I did.

25 Q Do you recall where he was?

1 PO G. Montalbano

2 A He was inside, straight in front
3 of the front door.

4 Q He was in the entranceway?

5 A Not in the entranceway, but inside
6 the house.

7 Q Was he in any particular room that
8 you can discern?

9 A The foyer, the entrance there.

10 Q Okay.

11 Other than police officers, did
12 you see any other people at 18 Greenfield Road?

13 A There was other people there as
14 well.

15 Q Do you recall how many other
16 people?

17 A No, I do not.

18 Q Do you recall whether they were
19 male, female or both?

20 A I believe male, yeah, male.

21 Q Do you recall how many males you
22 saw?

23 A No.

24 Q You recall at least one?

25 A Oh, at least one, yes.

PO G. Montalbano

Q Can you describe that person?

A No, I can not.

Q Approximately three males?

A Approximately.

Q You saw approximately three males?

A Approximately three males.

Q Were they adults?

A Yes, they were.

Q Okay.

If I look at -- let's go back to
Exhibit P-23. The next time entry after the
10:10 "Respond to 18 Greenfield," is at
10:39 a.m., and it says "10-36."

What does that mean?

A That means I arrived on scene, I
arrived at that location. So 10-36, that's a
10-Code for arrived at location.

Q Okay.

So at 10:10, you got a call from
headquarters?

A Yes, sir.

Q Do you recall who it was?

A No, I do not.

Q Was it over your radio or on the

1 PO G. Montalbano

2 cell phone?

3 A On the radio.

4 Q And at 10:10 they told you to go
5 to 18 Greenfield Road?

6 A Yes, for a transport.

7 Q Okay.

8 And you got to 18 Greenfield Road
9 at 10:39?

10 A Approximately 10:39, yes.

11 Q And when you got the call at 10:10
12 in the morning, do you remember where you were?

13 A I was in my sector. I don't know
14 the exact spot in my sector.

15 Q What's your sector?

16 A It would be the Charlie-43 sector.

17 Q Where would that be in the Town of
18 Southampton?

19 A It's out east, the furthest point
20 east; North Haven, Sag Harbor, Noyack area.

21 Q Is Sag Harbor in the Town of
22 Southampton?

23 A There is parts of Sag Harbor in
24 the Town of Southampton.

25 Q Okay.

1 PO G. Montalbano

2 So you arrived at 10:39, and then
3 am I correct that -- at 10:50, is that when you
4 left Greenfield Road with the female?

5 A Yes, that is correct.

6 Q Okay.

7 If you could just read the entry
8 into the record for 10:50.

9 A Sure.

10 It says "10:50." It says "26 one
11 female to HQ, start 35862."

12 Q Okay.

13 And then can you translate that
14 for us?

15 A Sure. That's the start mileage
16 because when we transport a female, we have to
17 log in our mileage. So my mileage at the time
18 was 35,862.

19 Q Okay, so that's the mileage on the
20 car on the odometer?

21 A Yes, sir.

22 Q Okay.

23 And "26" is the code for
24 transporting an arrestee, a prisoner?

25 A Just transporting anybody.

1 PO G. Montalbano

2 Q Okay.

3 So, does your memo book page help
4 refresh your recollection that you were at 18
5 Greenfield Road for approximately ten minutes?

6 A Yes, it does.

7 Q Okay.

8 Were you at all involved in the
9 arrest of the female?

10 A No, I was not.

11 Q Okay.

12 Do you recall the female's name?

13 A No, I do not.

14 Q Do you recall her? Could you
15 describe the female?

16 A She was approximately
17 five-foot-three, possibly. I don't recall the
18 exact height, but at least five feet tall. I
19 don't recall if blond hair, black hair, but she
20 was white, a white female.

21 Q Okay.

22 Approximately how old was she?

23 A I don't recall. Approximately
24 maybe in her twenties.

25 Q Okay.

1 PO G. Montalbano

2 Now, the three -- I'll call them
3 civilian males that were there, were they black
4 or white or both?

5 A I don't recall.

6 MS. DEJONG: I'll object to
7 form. He said approximately three
8 males, just so we're not...

9 MR. TELESKA: Right, okay.

10 Q And then according to your memo
11 book page, you arrived at headquarters at
12 10:57 a.m.?

13 A That is correct.

14 Q Okay.

15 And does code "36" mean arrival?

16 A Yes, it does.

17 Q Okay.

18 And you logged your miles as
19 35,867?

20 A That is correct.

21 Q And so it's approximately five
22 miles from 18 Greenfield Road, or it is --
23 according to the odometer, it was five miles?

24 A Yes, sir.

25 Q And then the next entry under the

1 PO G. Montalbano

2 10:57 is "paperwork at HQ"; is that correct?

3 A That is correct.

4 Q Okay.

5 And what paperwork -- what does
6 that mean?

7 A Just that I had paperwork to do.

8 I don't recall the exact paperwork that I did.

9 I did not process the female. I know I did sit
10 with her until Street Crimes said it was okay,
11 or whatever, I so just sat with her until they
12 said, "Okay."

13 Q Where did you sit with her?

14 A I was in the booking room.

15 Q Okay.

16 Now, going back -- where did you
17 first see the female that you transported?

18 A When I walked up to the front
19 door, she was sitting down in a chair which was
20 in direct line view of the front door.

21 Q Do you know what room it was in?

22 A The entranceway there. I don't
23 know the layout of the house, so I can't say if
24 it was in Room A, B or what, but...

25 Q Was she at a kitchen table, dining

1 PO G. Montalbano

2 room table, couch?

3 A It was like a table and a chair
4 that was there, from what I recall.

5 Q Was it in the foyer area?

6 A Yes, it was.

7 Q Okay.

8 And can you describe her
9 condition?

10 A She was kind of dirty. "Dirty"
11 like not taken a shower recently.

12 Q Did she appear she was under the
13 influence of any drug or -- how would you
14 describe her mental condition?

15 A Seemed normal.

16 Q Okay.

17 How about her physical condition?
18 And what I mean by that, did she appear sick or
19 injured?

20 A No, she did not.

21 Q And how did she get from the foyer
22 to the police cruiser?

23 A Okay, they said, "Okay, you can
24 take her." She stood up. I took two steps in,
25 took her by her right arm, and escorted her out

1 PO G. Montalbano

2 to my police unit.

3 Q Did anybody walk with you, whether
4 it was an officer or a civilian?

5 A I believe I was by myself.

6 Q And at the point that you escorted
7 her out to the police cruiser, was she
8 handcuffed?

9 A Yes, she was.

10 Q From the time you began to escort
11 her in the foyer to the time you arrived at the
12 police cruiser, did you have any conversation
13 with her?

14 A I do not recall.

15 Q Okay.

16 And where was the police cruiser
17 parked?

18 A In front of the residence.

19 Q On the street or in the driveway?

20 A On the street.

21 Q And I assume you put her in the
22 back seat?

23 A Yes, sir.

24 Q Okay.

25 During the trip from the

1 PO G. Montalbano

2 Greenfield Road residence to headquarters, did
3 you have any conversation with the woman?

4 A I do not recall.

5 Q Okay.

6 And how about when you were
7 sitting with her in the booking room, did you
8 have any conversations with her at that point?

9 A I remember having a short
10 conversation with her.

11 Q Do you remember the sum and
12 substance of that conversation?

13 A She was saying that she did drugs,
14 and I was telling her it's a shame because, you
15 know, drugs don't lead you anywhere and it just
16 creates more problems.

17 Q Did she at any point -- let me
18 take a step back.

19 How long did you sit with her in
20 the booking room?

21 A I don't recall if -- 10,
22 15 minutes approximately.

23 Q Okay.

24 And did somebody come to get her
25 from -- this may be the wrong word but --

1 PO G. Montalbano

2 A Take her?

3 Q Yeah, take her from your custody?

4 A Yes.

5 Q And who was that?

6 A I don't recall.

7 Q But you were only with her in the
8 booking room for 15 minutes?

9 A Approximately.

10 Q Okay.

11 Did you see her again after that?

12 A No, I did not.

13 Q Have you ever seen her again after
14 that?

15 A I have not.

16 Q So at any time between the time
17 when you began to escort her from the foyer to
18 the time that she left your presence in the
19 booking room, or you left her presence, did she
20 tell you anything that had occurred in the 18
21 Greenfield Road residence prior to your arrival?

22 A No.

23 Q The approximately three civilian
24 men that you saw at the residence, were any of
25 them acting in a threatening manner?

1 PO G. Montalbano

2 A No.

3 Q Did any of them appear to be under
4 the influence of drugs or any other narcotic?

5 A No.

6 Q Do you know why -- the female that
7 you transported to headquarters from 18
8 Greenfield Road on June 9, 2008, do you know why
9 she was arrested?

10 A No, I do not.

11 Q During the time you were at the
12 Greenfield Road residence on June 9, 2008, did
13 you hear any other officer say to you or to
14 another officer that somebody at the house
15 should or needs to go to the hospital?

16 A No.

17 Q Similar question, but a little
18 more broader, just so you understand where I'm
19 going, at any time on June 9, 2008 with regard
20 to anybody that was at Greenfield Road -- and I
21 am not including police officers, any of the
22 civilians -- did you ever hear any officer say
23 that one of the civilians there needed to go or
24 should have gone to the hospital?

25 A No.

1 PO G. Montalbano

2 Q As you sit here today, do you know
3 what other officers were at the house that day
4 other than Officers Peters, Frankenbach and
5 Cagno?

6 A That's all I recall.

7 Q Okay, but do you now know the
8 names of the other officers who were there?

9 A Yes.

10 Q Can you tell me who they are?

11 A I believe Officer Sickles.

12 Q When did you first find out that
13 Officer Sickles was also at the house at 18
14 Greenfield Road?

15 A I don't recall.

16 Q Okay.

17 Was it at or about June 9, 2008?

18 A No, it was sometime after.

19 Q Do you know approximately how much
20 time after? And I don't want you to guess.

21 A No, I do not.

22 Q And under which circumstances did
23 you find out Officer Sickles was also at 18
24 Greenfield Road?

25 A I don't recall.

1 PO G. Montalbano

2 Q Okay.

3 Before you became aware that you
4 were a defendant in this lawsuit, did you have
5 any knowledge of Tony Bradway?

6 A No, I did not.

7 Q After June 9, 2008, for any
8 reason, did you ever go back to 18 Greenfield
9 Road?

10 A No, I did not.

11 Q So you have never been back to 18
12 Greenfield Road?

13 A Not that I recall.

14 Q Okay.

15 Did Ms. -- well, you don't
16 remember the female's name, so the female, did
17 she leave your presence or did you leave her
18 presence from the booking room?

19 A I left her presence.

20 Q So somebody came into the booking
21 room to take -- Ms. Gianini (phonetic spelling)
22 is her name, but you don't recall that.

23 A I don't recall.

24 Q Okay.

25 After you left her presence did

1 PO G. Montalbano
 2 you have ever have any conversations with
 3 Officers Peters, Frankenbach, Cagno or Sickles
 4 concerning anything that happened at the
 5 residence of 18 Greenfield Road on June 9, 2008?

6 A No, I did not.

7 Q Did you ever have any
 8 conversations with Sergeant Kiernan or Officer
 9 William Kiernan concerning anything that
 10 happened at the 18 Greenfield Road residence on
 11 June 9, 2008?

12 A No, I did not.

13 Q If you look at, again, Plaintiff's
 14 Exhibit 23, the next entry that we haven't
 15 spoken about is at 12:14 p.m. It says "27" --
 16 is that "HQ"?

17 A That's supposed to be "HQ," yes.

18 Q Okay.

19 What does that mean?

20 A I went back in service from
 21 headquarters, back on the road.

22 Q Okay.

23 So you were here at headquarters
 24 after you had arrived with the female for
 25 approximately an hour and twenty minutes?

1 PO G. Montalbano

2 A Approximately.

3 Q Okay.

4 Now, getting back, it says under
5 the entry for 10:57, "paperwork at HQ" -- I just
6 want to make sure I understand your testimony.
7 You don't recall what paperwork you filled out?

8 A No, I do not. It probably would
9 have been like any supporting depositions for
10 speeding tickets or V and T violations.

11 Q Okay.

12 Was the paperwork that you filled
13 out at HQ in regard to the female?

14 A No, it was not.

15 Q Okay.

16 So it was with regard to a
17 different matter?

18 A Yes, sir.

19 Q Okay.

20 Is the booking room the same as
21 the detention area?

22 A No.

23 Q What's the difference?

24 A The booking room is where there's
25 computers, you can sit down, you log in all

1 PO G. Montalbano

2 their pertinent information. The detention area
3 is actually where once you get through, you're
4 doing the booking, you bring them into the
5 detention area, where you can -- depending upon
6 if you need to do the RICCI (phonetic spelling)
7 System, which is mug and print, do prints, take
8 pictures, and it's where the holding cells are.

9 Q During the time the female was in
10 the booking room, did she have any other
11 conversation with any other arrestee or
12 prisoner?

13 A No, she was by herself.

14 Q And I want to be clear, did you
15 see her have any conversation with any other
16 arrestee or prisoner?

17 A No, I did not.

18 Q When you arrived at 18 Greenfield
19 Road -- and that was, according to your memo
20 book page, approximately 10:39; correct?

21 A Yes, sir.

22 Q Between 10:39 and approximately
23 10:50 when you left, did you overhear the other
24 officers that were there speaking about
25 anything?

PO G. Montalbano

A No.

Q No, or you don't remember?

A No, I did not. I was outside the door. I was not in the house.

Q So the only thing -- is it true that the only thing that you heard any other officer say is --

A When I looked in, they looked at me and said, "She's ready to go."

Q And you escorted her out?

A Yes, sir.

Q And other than that conversation, did you have any other conversations with any other officers at 18 Greenfield Road?

A I said hello to Steve Frankenbach.

Q That was the only conversation with Officer Frankenbach?

A As I recall, I said, "Hello. How 'ya doing? How's the family?"

Q Nothing about the --

(Continued on next page.)

PO G. Montalbano

A Nothing.

MR. TELESKA: Okay, nothing
further.

Thank you.

(Time noted: 10:44 a.m.)

A C K N O W L E D G M E N T

STATE OF NEW YORK)

:SS

COUNTY OF)

I, POLICE OFFICER GASPAR MONTALBANO,
hereby certify that I have read the transcript
of my testimony taken under oath in my
deposition of May 27, 2010; that the transcript
is a true and complete record of my testimony,
and that the answers on the record as given by
me are true and correct.

POLICE OFFICER GASPAR MONTALBANO

Signed and subscribed to before me this

_____ day of _____, 2010.

Notary Public, State of New York

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C E R T I F I C A T E

I, LORI ANNE CURTIS, a Notary Public in
and for the State of New York, do hereby
certify:

THAT the witness(es) whose testimony is
hereinbefore set forth, was duly sworn by me;
and

THAT the within transcript is a true
record of the testimony given by said
witness(es).

I further certify that I am not related,
either by blood or marriage, to any of the
parties in this action; and

THAT I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 7th day of June, 2010.

Lori Anne Curtis

LORI ANNE CURTIS